

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARTIN LANE HISTORIC AMERICANA,

Plaintiff,

-against-

WILLIAM EBY,

Defendant.
-----X

Case No.: 07-CV-8496

HON. JUDGE STEIN

ANSWER

Defendant, WILLIAM EBY, by his attorneys, ARNOLD L. KERT, PLLC., answering the Complaint of the Plaintiff, MARTIN LANE HISTORIC AMERICANA, hereby alleges as follows:

1. Admits each and every allegation contained in paragraph numbered and designated "1".
2. Admits each and every allegation contained in paragraph numbered and designated "2".
3. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered and designated "3".
4. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered and designated "4".
5. Denies each an every allegation contained in paragraph numbered and designated "5".
6. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered and designated "6".

7. Denies each and every allegation contained in paragraphs numbered and designated "7".

8. Denies each and every allegation contained in paragraphs numbered and designated "8".

9. Denies each and every allegation contained in paragraphs numbered and designated "9".

10. Denies each and every allegation contained in paragraphs numbered and designated "10".

11. Denies each and every allegation contained in paragraphs numbered and designated "11".

12. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered and designated "12".

13. Denies each and every allegation contained in paragraphs numbered and designated "13".

14. As to paragraph numbered and designated "14", the answering Defendant repeats, reiterates and realleges each and every admission and denial heretofore had herein.

15. Denies each and every allegation contained in paragraphs numbered and designated "15".

16. Denies each and every allegation contained in paragraphs numbered and designated "16".

17. As to paragraph numbered and designated "17", the answering Defendant repeats, reiterates and realleges each and every admission and denial heretofore had

herein.

18. Denies each and every allegation contained in paragraphs numbered and designated "18".

19. Denies each and every allegation contained in paragraphs numbered and designated "19".

20. Denies each and every allegation contained in paragraphs numbered and designated "20".

21. Denies each and every allegation contained in paragraphs numbered and designated "21".

22. Denies each and every allegation contained in paragraphs numbered and designated "22".

23. Denies each and every allegation contained in paragraphs numbered and designated "23".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

24. Plaintiff has failed to state facts sufficient to constitute a claim for which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

25. All claims asserted in the Complaint are barred by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

26. At the time the instant action was commenced, the Defendant was and still is the titled owner of the subject firearms, with superior right to possession thereof.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

26. Plaintiff's Replevin claim is barred by the rule of laches on grounds that Plaintiff waited an unreasonable amount of time before demanding the return of the subject firearms, and the Defendant was prejudiced as a result thereof.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

27. The Defendant gave valuable consideration for the subject firearms.

WHEREFORE, the Defendant, WILLIAM EBY, demands judgment dismissing Plaintiff's Complaint in its entirety, together with interest, costs, disbursements of this action, including attorneys' fees, and such other, further and different relief as this Court may deem just and proper.

dated: Garden City, New York
January 22, 2008

Respectfully submitted,



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